

**UNITED STATES DEPARTMENT OF COMMERCE**

Patent and Trademark Office
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Washington, D.C. 20231

MAY 03 1996

#9

In re Application of :
Kenneth N. Dolynchuk et al : DECISION
Serial No. 08/307,621 : ON
Filed: November 14, 1995 : PETITION
For: USE OF TRANSGLUTAMINASE :
INHIBITOR FOR THE TREATMENT :
OF SCAR TISSUE :
:

This is a decision on the PETITION UNDER 37 C.F.R. 1.84(b) FOR ACCEPTANCE OF PHOTOGRAPHS OF FORMAL DRAWINGS, filed February 1, 1996, to permit entry of photographs since the black and white photographs have been filed in the international phase, and the required fee has been paid under 37 CFR 1.17(h). It is pointed out that the photographs are of Figures 1-9.

A review of the application record indicates that all of the requirements for acceptance black and white photographs have not been met. Specifically, the filing of three(3) sets of black and white photographs mounted on bristol board or double weight paper have not been submitted. The filing of a set of black and white photographs in the international phase is not acceptable, under 37 CFR 1.84(b). It is pointed out that the Patent Cooperation Treaty (PCT) has no express provision for the filing of black and white photographs. See specifically paragraph 139 of the Applicant's Guide. Further, PCT Article 27 provides that no national office shall require compliance with requirements different from or in addition to those of the Patent Cooperation Treaty. Therefore, since the Patent Cooperation Treaty does not expressly permit photographs, Patent and Trademark Office is not required by the Treaty to accept the copies of the photographs in the published international pamphlet as a replacement for those required under 37 CFR 1.84(b).

Additionally, PCT Rule 11.2(a) provides that drawings must admit of reproduction in any number of copies. Therefore, if the reproduction of the photographs in the published international pamphlet, which now forms the basis of the specification, claims, and drawings of the instant application filed under 35 U.S.C. 371, are unclear, the applicant has not complied with PCT Rule 11.2(a). A review of those photographs from the published pamphlet reveals that said photographs are in fact unclear, and therefore, the PTO requires submission of three(3) sets of black and white photographs mounted on bristol board or developed on double weight paper, under PCT Rule 11.2(a).

The petition is **DENIED.**

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